

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

09-CA-219396

June 12, 2018

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Shamrock Cartage, Inc.		b. Tel. No. (513) 646-6472
		c. Cell No.
d. Address (street, city, state ZIP code) 2140 Maxim Drive Rockdale, IL 60436	e. Employer Representative James Allen, Attorney Burdzinski & Partners, Inc. 922 Dry Valley Villa Hills, KY 41017	f. Fax No. (877) 700-7541
		g. e-Mail jallen@burdzinski.com
		h. Dispute Location (City and State) Groveport, OH
i. Type of Establishment (factory, nursing home, hotel) yard hostler	j. Principal Product or Service truck spotting and hostler services	k. Number of workers at dispute location ~12

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), (3), & (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since around January 2018, the Employer and the Union have been engaged in negotiations towards an initial collective bargaining agreement (CBA), and negotiations remain ongoing.

On or about April 13, 2018, the Employer discriminated against Union Shop Steward Shane Smith by terminating him in retaliation for engaging in protected, concerted activity in violation of Section 8(a)(3) of the Act.

Prior to terminating Smith, the Employer on or about April 9, 2018 imposed a suspension in violation of Section 8(a)(3), and removed Smith from service without giving the Union an opportunity to bargain in violation of Section 8(a)(5) of the Act.

About April 9, 2018, Shamrock manager Brian Williamson threatened an employee with reprisals, i.e., assigning employees with work and behavioral problems to this employee's shift which would result in more onerous working conditions, because of the Union's position on discipline at the bargaining table in violation of Section 8(a)(1) of the Act.

By the above and by other acts and conduct, the Employer has unlawfully restrained and coerced employees in violation of Section 8(a)(1) of the Act, and unlawfully interfered with employees' Section 7 rights.

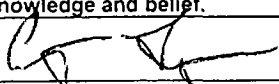
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

International Brotherhood of Teamsters Local Union No. 413

4a. Address (street and number, city, state, and ZIP code) 555 E Rich St, Columbus, OH 43215	4b. Tel. No. (614) 228-6492, ext. 22
	4c. Cell No. (614) 206-9197
	4d. Fax No. (614) 228-3933
	4e. e-Mail ted.beardsley@teamsters413.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (513) 287-6987
By: 	Clement L. Tsao, Attorney	Office, if any, Cell No. (513) 390-6652
(signature of representative or person making charge)	Print Name and Title	Fax No. (513) 721-1178
Address: 30 Garfield Place, Ste 540, Cincinnati, OH 45202	Date: 6/12/2018	e-Mail ctsao@econjustice.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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